

AMENDED IN ASSEMBLY JUNE 14, 2000

AMENDED IN ASSEMBLY JUNE 6, 2000

AMENDED IN ASSEMBLY JULY 7, 1999

AMENDED IN SENATE APRIL 13, 1999

**SENATE BILL**

**No. 1242**

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**Introduced by Senator Ortiz**

February 26, 1999

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An act to amend Sections 4451 and 4454 of, and to add Section 4459 to, the Government Code, relating to building standards, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1242, as amended, Ortiz. Building standards: tactile signage.

(1) Existing law requires that buildings, structures, and facilities, occupied 50% or more, that are leased, rented, contracted, sublet, or hired for periods exceeding 2 years by any municipal, county, or state division of government or special district be made accessible to and usable by persons with disabilities.

This bill would require that buildings, structures, and facilities that are leased, rented, contracted, sublet, or hired by any municipal, county, or state division of government or any special district be made accessible to, and usable by, persons with disabilities, thereby requiring a higher level of service from local governments and imposing a state-mandated local program.

(2) Existing law provides that where state funds are utilized for a public building or facility or local funds are utilized for a school or community college building or facility, no contract may be awarded until the Department of General Services has issued written approval stating that the plans and specifications comply with the intent of provisions governing access to public buildings by physically handicapped persons. Existing law requires that filing fees for the application for approval be deposited into the Access for Handicapped Account, which is continuously appropriated for use by the Department of General Services without regard to fiscal years.

This bill would rename the account as the Disability Access Account, require the Department of General Services to ~~issue the written approvals~~ *develop regulations that ensure that braille, tactile, or visual signage for elevators, rooms, spaces, functions, and directional information is installed as required by the California Building Standards Code*, and authorize the department to use the account for the purposes set forth in existing law. This bill would expand the purposes for which the account may be used to include amending building regulations, as specified, to ensure that the scope and application of accessibility requirements comply with specified state and federal standards, and would thereby make an appropriation.

~~The bill would also require the department to report to the Legislature no later than July 1, 2001, and biannually thereafter, on what actions have been taken to comply with these provisions.~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by



the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature hereby finds and  
2 declares all of the following:

3 (a) Under the California State Accessibility Standards,  
4 in the California Building Standards Code, detailed  
5 specifications have existed for tactile signage since 1982.

6 (b) These specifications were revised and went into  
7 effect April 1, 1994, to comply with the federal Americans  
8 with Disabilities Act (ADA) accessibility guidelines, and  
9 some of these specifications are more stringent than those  
10 contained in the ADA guidelines. Enforcement  
11 authorities should ensure that raised lettering and braille  
12 dots are properly spaced and sized to conform with the  
13 requirements of the California Building Standards Code.

14 (c) A vast majority of buildings fail to complete  
15 installation of braille tactile signage since they are often  
16 regarded as cosmetic features. Noncompliance with the  
17 California Building Standards Code results in sporadic  
18 and unpredictable use of braille tactile signage that  
19 renders the signage inconsistent and possibly unusable to  
20 blind and visually impaired consumers.

21 SEC. 2. Section 4451 of the Government Code is  
22 amended to read:

23 4451. (a) Except as otherwise provided in this  
24 section, this chapter shall be limited in its application to  
25 all buildings and facilities stated in Section 4450 intended  
26 for use by the public, with any reasonable availability to,  
27 or usage by, persons with disabilities, including all  
28 facilities used for education and instruction, including the  
29 University of California, the California State University,  
30 and the various community college districts, that are  
31 constructed in whole or in part by the use of state, county,  
32 or municipal funds, or the funds of any political  
33 subdivision of the state.

(b) When required by federal or state law, buildings, structures, and facilities, or portions thereof, that are leased, rented, contracted, sublet, or hired by any municipal, county, or state division of government, or special district shall be made accessible to, and usable by, persons with disabilities. ~~Exceptions to this subdivision may be made upon application to, and approval by, the Department of Rehabilitation.~~

(c) Except as otherwise provided by law, buildings, structures, sidewalks, curbs, and related facilities subject to the provisions of this chapter or Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code shall conform to the building standards published in the California Building Standards Code relating to access for persons with disabilities and the other regulations adopted pursuant to Section 4450 that are in effect on the date of an application for a building permit. With respect to buildings, structures, sidewalks, curbs, and related facilities not requiring a building permit, building standards published in the California Building Standards Code relating to access for persons with disabilities and other regulations adopted pursuant to Section 4450, and in effect at the time construction is commenced shall be applicable.

(d) Until building standards are published in the California Building Standards Code and other regulations are developed by the State Architect and adopted by the California Building Standards Commission pursuant to Section 4450, buildings, structures, sidewalks, curbs, and related facilities subject to the provisions of this chapter or Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code shall meet or exceed the requirements of Title III of Subpart D of the federal Americans with Disabilities Act of 1990.

(e) This chapter shall apply to temporary or emergency construction as well as permanent buildings.

(f) Administrative authorities, as designated under Section 4453, may grant exceptions from the literal requirements of the building standards published in the California Building Standards Code relating to access for

1 persons with disabilities, or the other regulations adopted  
2 pursuant to this section, or permit the use of other  
3 methods or materials, but only when it is clearly evident  
4 that equivalent facilitation and protection that meets or  
5 exceeds the requirements under federal law are thereby  
6 secured.

7 ~~(g) Prior to issuance of a certificate of occupancy, or~~  
8 ~~in the case where no certificate of occupancy is granted,~~  
9 ~~prior to final inspection, required braille, tactile, or visual~~  
10 ~~signage for elevators, rooms, spaces, functions, and~~  
11 ~~directional information, as well as other accessibility~~  
12 ~~features, shall be installed as required by the California~~  
13 ~~Building Standards Code. Selection and installation of~~  
14 ~~required braille, tactile, or visual signage and accessibility~~  
15 ~~features are not work exempt from review and approval~~  
16 ~~as cosmetic or finish work.~~

17 ~~(h) Specifications and installations of required braille,~~  
18 ~~tactile, or visual signage and other accessibility features~~  
19 ~~shall be reviewed and shall receive approval by~~  
20 ~~enforcement authorities identified in Section 4453,~~  
21 ~~whenever a change in use, renovation, remodeling, or an~~  
22 ~~addition is granted, prior to the issuance of a certificate~~  
23 ~~of occupancy, or in the case where no certificate of~~  
24 ~~occupancy is granted, then prior to final inspection.~~

25 *(g) The Department of General Services shall*  
26 *develop, as appropriate, regulations to ensure that braille,*  
27 *tactile, or visual signage for elevators, rooms, spaces,*  
28 *functions, and directional information is installed as*  
29 *required by the California Building Standards Code.*

30 SEC. 3. Section 4454 of the Government Code is  
31 amended to read:

32 4454. Where state funds are utilized for any building  
33 or facility subject to this chapter, or where funds of  
34 counties, municipalities, or other political subdivisions  
35 are utilized for the construction of elementary school,  
36 secondary school, or community college buildings and  
37 facilities subject to this chapter, no contract shall be  
38 awarded until the Department of General Services has  
39 issued written approval stating that the plans and  
40 specifications comply with the intent of this chapter.

1 In each case the application for approval shall be  
2 accompanied by the plans and full, complete, and  
3 accurate specifications, which shall comply in every  
4 respect with any and all requirements prescribed by the  
5 Department of General Services.

6 The application shall be accompanied by a filing fee in  
7 amounts as determined by the Department of General  
8 Services. All fees shall be deposited into the Access for  
9 Handicapped Account, which account is hereby renamed  
10 the Disability Access Account as of July 1, 2001, and  
11 established in the General Fund. Notwithstanding  
12 Section 13340, the account is continuously appropriated  
13 *for expenditures* without regard to fiscal years for the use  
14 of the Department of General Services, in carrying out  
15 the *department's* responsibilities under this chapter and  
16 those prescribed in Section 4450.

17 The Department of General Services shall consult with  
18 the Department of Rehabilitation in identifying the  
19 requirements necessary to comply with this chapter.

20 The Department of General Services, Division of the  
21 State Architect, shall include the cost of carrying out the  
22 responsibilities identified in this chapter as part of the  
23 plan review costs in determining fees.

24 SEC. 4. Section 4459 is added to the Government  
25 Code, to read:

26 4459. (a) The State Architect shall develop  
27 amendments for building regulations and submit them to  
28 the California Building Standards Commission for  
29 adoption on or before December 31, 2001, to ensure that  
30 no accessibility requirements of the California Building  
31 Standards Code shall be enhanced or diminished except  
32 as necessary for ~~(A)~~ (1) retaining existing state  
33 regulations that provide greater accessibility and  
34 features, or ~~(B)~~ (2) meeting federal minimum  
35 accessibility standards of the federal Americans with  
36 Disabilities Act of 1990; as adopted by the United States  
37 Department of Justice, the Uniform Federal Accessibility  
38 Standards, and the federal Architectural Barriers Act.

39 (b) The Department of General Services shall use fees  
40 deposited in the Disability Access Account established in

1 Section 4454 for the purposes identified in this chapter.  
2 The department shall include the cost of carrying out the  
3 responsibilities identified in this chapter as part of the  
4 plan review costs in determining fees.

5 ~~(e) The Department of General Services shall report~~  
6 ~~to the Legislature by July 1, 2001, and biannually~~  
7 ~~thereafter, on what actions have been taken to comply~~  
8 ~~with building and facility requirements specific to the~~  
9 ~~federal Americans with Disabilities Act of 1990, the~~  
10 ~~federal Rehabilitation Act of 1973, as amended, and the~~  
11 ~~federal Fair Housing Amendments Act of 1988. The~~  
12 ~~report shall include all of the following:~~

13 ~~(1) Progress made on implementing California agency~~  
14 ~~and departmental transition plans for barrier removal as~~  
15 ~~required by the federal Americans with Disabilities Act~~  
16 ~~of 1990.~~

17 ~~(2) A list of state-leased buildings and facilities given~~  
18 ~~exceptions by the Department of Rehabilitation and the~~  
19 ~~department's rationale for granting each exception.~~

20 ~~(3) The report shall be in an accessible format and~~  
21 ~~made available to interested persons identified by the~~  
22 ~~Department of Rehabilitation and the State Independent~~  
23 ~~Living Council.~~

24 ~~(d)–~~

25 ~~(c)~~ Notwithstanding any other provision of law, the  
26 application and scope of accessibility regulations in the  
27 California Building Standards Code shall not be less than  
28 the application and scope of accessibility requirements of  
29 the federal Americans with Disabilities Act of 1990 as  
30 adopted by the United States Department of Justice, the  
31 Uniform Federal Accessibility Standards, and the federal  
32 Architectural Barriers Act.

33 SEC. 5. Notwithstanding Section 17610 of the  
34 Government Code, if the Commission on State Mandates  
35 determines that this act contains costs mandated by the  
36 state, reimbursement to local agencies and school  
37 districts for those costs shall be made pursuant to Part 7  
38 (commencing with Section 17500) of Division 4 of Title  
39 2 of the Government Code. If the statewide cost of the  
40 claim for reimbursement does not exceed one million

1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

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